

**UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA**

U.S.A. vs. Johnny Anderson Simms

Docket No. 7:05-CR-143-1D

Petition for Action on Supervised Release

COMES NOW Thomas E. Sheppard, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Johnny Anderson Simms, who, upon an earlier plea of guilty to Possession of Firearm by a Felon in violation of 18 U.S.C. §§922(g)(1) & 924, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge on December 19, 2006, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Johnny Anderson Simms was released from custody on October 10, 2014, at which time the term of supervised release commenced. On October 28, 2014, the court was notified that the defendant used cocaine one day after his release. The defendant was referred for outpatient treatment. No further action was taken.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant submitted a urine specimen on September 11, 2015, which tested positive for cocaine. The defendant admitted that he used cocaine. The defendant had passed eleven tests since the previous positive drug test. We recommend the defendant serve 2 days in custody as a sanction for this violation, and continue drug testing and treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days as arranged by the probation office, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

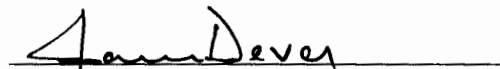
/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

/s/ Thomas E. Sheppard
Thomas E. Sheppard
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910-354-2541
Executed On: November 16, 2015

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ORDER OF THE COURT

Considered and ordered this 17 day of November, 2015 and ordered filed and made a part of the records in the above case.

A handwritten signature in black ink, appearing to read "James C. Dever III", is written over a horizontal line.

James C. Dever III
Chief U.S. District Judge